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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,575	10/28/2003	Hiroshi Tojo	00862.022616	3547

5514	7590	08/24/2005		

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EXAMINER
NGUYEN, PHU K

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/694,575	TOJO ET AL.
	Examiner	Art Unit	
	Phu K. Nguyen	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 September 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All . b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300**

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/28/03 & 3/8/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a
foreign country or in public use or on sale in this country, more than one year
prior to the date of application for patent in the United States.

Claims 1-3, 11-16, 24-29, 37-42, 50-54 are rejected under 35 U.S.C. 102(b) as

being anticipated by ANDO et al. (EP 0945864).

As per claim 1, Ando teaches the claimed "moving image management apparatus for

management of plural moving images recorded on a storage medium in

correspondence with one or plural representative images", comprising: a unit configured

to record a representative image representing an arbitrary section or the whole of a

moving image" (Ando, column 5, lines 51-57); a unit configured to record information

indicating the section or the whole of the moving image represented by the

representative image in correspondence with the representative image" (Ando, column

4, lines 10-43); and "a unit configured to record information indicating a position of an

image as a base of the representative image in correspondence with the representative

image, wherein in the case the representative image is designated by a user, it is

interpreted that the section or the whole of the moving image represented by the

representative image is selected" (Ando, column 4, lines 37-43; column 7, lines 4-37).

Claim 2 adds into claim 1 "a unit configured to record information indicating a

purpose of the representative image as attribute information in correspondence with the

representative image; and a unit configured to select only the representative image

corresponding to the purpose based on the attribute information" (Ando, column 4, lines

49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41

and selection windows 42 served as the attribute containing the purpose of the video

clip).

Claim 3 adds into claim 2 "when the representative image is designated by the

user, it is interpreted that the section or the whole of the moving image represented by

the representative image is selected, and a function corresponding to the purpose is

applied to the selected section or the whole of the moving image" (Ando, column 4, lines

49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41

and selection windows 42 served as the attribute containing the purpose of the video

clip; the function of browsing or editing is performed on the appropriate clip based upon

its attribute indicating which window it belongs to).

Claim 11 adds into claim 3 "wherein said unit configured to select only the

representative image corresponding to the purpose based on the attribute information

selects a representative image having said attribute information corresponding to a .

browsing operation" (Ando, the reference icons 43A-43F and 75A-75G), and wherein

said apparatus has a display unit that displays the representative image (Ando, display

31), further wherein application of function corresponding to the purpose to the selected

section or the whole of the moving image is reproduction means for, when a desired

representative image is designated from representative images displayed by said

display unit, reproducing a corresponding moving image based on section information

added to the representative image (Ando, column 13, lines 6-17).

Claim 12 adds into claim 2 "wherein if an editing range is designated in a

desired moving image, said unit configured to select only the representative image

corresponding to the said purpose based on the said attribute information selects a

representative image having the attribute information corresponding to an editing

operation and within the editing range, and wherein said apparatus has a display

unit that displays the representative image within the editing range" (Ando, column 7,

lines 15-46).

Claim 13 adds into claim 3 "wherein in a print operation to print a desired frame

in a desired moving image, said unit configured to select only the representative image

corresponding to the purpose based on the attribute information selects a

representative image having the attribute information corresponding to the print

operation from representative images corresponding to said desired moving image"

(Ando, column 7, lines 38-46), and "wherein said apparatus has a display unit that

displays the representative image having the attribute information corresponding to the

print operation" (Ando, figures 4 and 11 with the reference image's attribute information

is the browsing or editing window indicator), further "wherein application of function

corresponding to a designated purpose to the selected section or the whole of the

moving image when a desired representative image is designated from representative

images displayed by said display unit, is output processing for, when a desired

representative image is designated from representative images displayed by said

display unit, referring to the information indicating a position of an image as a base of

the representative image, and outputting a desired frame for print output" (Ando, the in-

point and out-point images indicate a position of the video image).

As per claim 14, Ando teaches the claimed " moving image management apparatus for

management of plural moving images recorded on a storage medium in

correspondence with one or plural representative images ", comprising: "a generation

unit configured to generate a representative image representing an arbitrary section or

the whole of a moving image " (Ando, column 5, lines 51-57); "a first recording unit

configured to record information indicating the section or the whole of the moving image

represented by the representative image in correspondence with the representative

image " (Ando, column 4, lines 10-43); and " a second recording unit configured to

record information indicating a position of an image as a base of the representative

image in correspondence with the representative image " (Ando, column 4, lines 37-43;

column 7, lines 4-37).

Claims 27 and 40 claim a method based on the system of claims 1 and 14;

therefore, they are rejected under the same reason.

Claims 53 and 54 claim a storage medium and a control program to perform the steps of claim 27; therefore, they are rejected under the same reason.

Claim 15 adds into claim 14 " an adding unit configured to add information indicating a purpose of the representative image as attribute information, a unit configured to record the attribute information added by said adding unit in correspondence with said representative image; and a unit configured to select only the representative image corresponding to the purpose based on the attribute information" (Ando, column 4, lines 49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41 and selection windows 42 served as the attribute containing the purpose of the video clip).

Claim 16 adds into claim 15 "when the representative image is designated by the user, it is interpreted that the section or the whole of the moving image represented by the representative image is selected, and a function corresponding to the purpose is applied to the selected section or the whole of the moving image" (Ando, column 4, lines 49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41 and selection windows 42 served as the attribute containing the purpose of the video clip; the function of browsing or editing is performed on the appropriate clip based upon its attribute indicating which window it belongs to).

Claims 28-29 and 41-42 claim a method based on the system of claims 2-3 and 15-16; therefore, they are rejected under the same reason.

Claim 24 adds into claim 16 "wherein said unit configured to select only the representative image corresponding to the purpose based on the attribute information selects a representative image having said attribute information corresponding to a browsing operation" (Ando, the reference icons 43A-43F and 75A-75G), and wherein said apparatus has a display unit that displays the representative image (Ando, display 31), further wherein application of function corresponding to the purpose to the selected section or the whole of the moving image is reproduction means for, when a desired representative image is designated from representative images displayed by said display unit, reproducing a corresponding moving image based on section information added to the representative image (Ando, column 13, lines 6-17).

Claim 25 adds into claim 15 "wherein if an editing range is designated in a desired moving image, said unit configured to select only the representative image corresponding to the said purpose based on the said attribute information selects a representative image having the attribute information corresponding to an editing operation and within the editing range, and wherein said apparatus has a display

unit that displays the representative image within the editing range" (Ando, column 7, lines 15-46).

Claim 26 adds into claim 16 "wherein in a print operation to print a desired frame in a desired moving image, said unit configured to select only the representative image corresponding to the purpose based on the attribute information selects a representative image having the attribute information corresponding to the print

operation from representative images corresponding to said desired moving image"

(Ando, column 7, lines 38-46), and "wherein said apparatus has a display unit that

displays the representative image having the attribute information corresponding to the

print operation" (Ando, figures 4 and 11 with the reference image's attribute information

is the browsing or editing window indicator), further "wherein application of function

corresponding to a designated purpose to the selected section or the whole of the

moving image when a desired representative image is designated from representative

images displayed by said display unit, is output processing for, when a desired

representative image is designated from representative images displayed by said

display unit, referring to the information indicating a position of an image as a base of

the representative image, and outputting a desired frame for print output" (Ando, the in-

point and out-point images indicate a position of the video image).

Claims 37-39 and 50-52 claim a method based on the system of claims 11-13

and 24-26; therefore, they are rejected under the same reason.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-5, 10, 17-18, 23, 30-31, 36, 43-44, 49 are rejected under 35 U.S.C.

103(a) as being unpatentable over ANDO et al. (EP0945864) in view of ASAI et al. (EP

0 915469).

Claim 4 adds into claim 1 "a unit configured to record information indicating a

purpose of the representative image as attribute information " (Ando, column 4, lines 49-

57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41 and

selection windows 42 served as the attribute containing the purpose of the video clip);

and "a unit configured to classify only the representative image for each purpose based

on the attribute information" which Ando does not explicitly teach. However, Ando

teaches that "classifying scenes into a video scene browser" is well known in the art

(Asai, page 8, lines 17-24). The motivation to modify Ando's system with a

classification scheme of Asai system is orderly arranging the files within a specific group

for simplifying the task of locating images in the database (Asai, page 8, lines 3-11).

Claim 5 adds into claim 4 "when the representative image is designated by the

user, it is interpreted that the section or the whole of the moving image represented by

the representative image is selected, and a function corresponding to the purpose is

applied to the selected section or the whole of the moving image (Ando, column 4, lines

49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41

and selection windows 42 served as the attribute containing the purpose of the video

clip; the function of browsing or editing is performed on the appropriate clip based upon

its attribute indicating which window it belongs to).

Claim 17 adds into claim 14 "an adding unit configured to add information

indicating a purpose of the representative image as attribute information; a unit

configured to record the attribute information added by said adding means in

correspondence with the representative image" (Ando, column 4, lines 49-57; column 5,

lines 49-53; column 6, lines 5-15; the type of the browser window 41 and selection

windows 42 served as the attribute containing the purpose of the video clip); and "a unit

configured to classify means for classifying only the representative image for each

purpose based on the said attribute information" which Ando does not explicitly teach.

However, Ando teaches that "classifying scenes into a video scene browser" is well

known in the art (Asai, page 8, lines 17-24). The motivation to modify Ando's system

with a classification scheme of Asai system is orderly arranging the files within a specific

group for simplifying the task of locating images in the database (Asai, page 8, lines 3-

11).

Claim 18 adds into claim 17 "wherein when the representative image is

designated by the user, it is interpreted that the section or the whole of the moving

image represented by the representative image is selected, and a function

corresponding to the purpose is applied to the selected section or the whole of the

moving image" (Ando, column 4, lines 49-57; column 5, lines 49-53; column 6, lines 5-15; the type of the browser window 41 and selection windows 42 served as the attribute containing the purpose of the video clip; the function of browsing or editing is performed on the appropriate clip based upon its attribute indicating which window it belongs to).

Claims 30-31 and 43-44 claim a method based on the system of claims 4-5, 17-18; therefore, they are rejected under the same reason.

Claim 10 adds into claim 2 "wherein in said unit configured to record information indicating a purpose of the representative image as attribute information, the attribute information is an identification number previously defined for purpose" which Ando does not explicitly teach. However, Ando's attribute information such as file name, title, or labeled as editing or browsing file (Ando, column 5, lines 49-57; column 6, lines 25-51) can be coded in index form with each index corresponding to a classified group such as browsing group (Ando, window 41) or editing group (Ando, window 42). Furthermore, Asai teaches that using numerical index for attribute information is well known (Asai, page 8, lines 36-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to label Ando's classified group of browsing or editing windows in a numerical index system as taught by Asai for the purpose of coding for simplification of record on the memory.

Claim 23 adds into claim 15 "in said unit configured to record information indicating a purpose of the said representative image as attribute information, the attribute information is an identification number previously defined for purpose" which

Ando does not explicitly teach. However, Ando's attribute information such as file name, title, or labeled as editing or browsing file (Ando, column 5, lines 49-57; column 6, lines 25-51) can be coded in index form with each index corresponding to a classified group such as browsing group (Ando, window 41) or editing group (Ando, window 42). Furthermore, Asai teaches that using numerical index for attribute information is well known (Asai, page 8, lines 36-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to label Ando's classified group of browsing or editing windows in a numerical index system as taught by Asai for the purpose of coding for simplification of record on the memory.

Claims 36 and 49 claim a method based on the system of claims 10 and 23; therefore, they are rejected under the same reason.

Claims 6-9, 19-22, 32-35, and 45-48 are rejected under 35 U.S.C. 103(a) as
being unpatentable over ANDO et al. (EP0945864) in view of PARULSKI et al.
(5,440,401).

Claim 6 adds into claim 1 "when the information indicating the section or the
whole of the moving image represented by the said representative image and the
attribute information are recorded on the storage medium, they are recorded by
representative image in a particular continuous portion" which Ando fails to teach.
However, Parulski teaches that such information storing is well known in the art
(Parulski, column 4, lines 19-48). The motivation for modifying the Ando's reference
image representation in view of the arranging of recorded data in a continuous portion is
to provide with an immediate access to reference images in a rapid succession
(Parulski, column 4, lines 43-48).

Claim 7 adds into claim 6 "when the information indicating a position of an
image as a base of the representative image and the representative image are recorded
on the storage medium, they are recorded by representative image in a particular
portion" (Ando, column 7, lines 28-51).

Clam 8 adds into claim 7 "the particular portion is a continuous area on the
storage medium" which Ando fails to teach. However, Parulski teaches that such
information storing is well known in the art (Parulski, column 4, lines 19-48). The
motivation for modifying the Ando's reference image representation in view of the

arranging of recorded data in a continuous portion is to provide with an immediate access to reference images in a rapid succession (Parulski, column 4, lines 43-48).

Claim 9 adds into claim 7 "wherein only significant information of the said information indicating a position of an image as a base of the representative image and the representative image is recorded in a portion for easy storage and access" (Ando, column 7, lines 28-51; column 8, lines 38-53).

Claim 19 adds into claim 15 "wherein when the information indicating the section or the whole of the moving image represented by the representative image and the attribute information are recorded on the storage medium, they are recorded by representative image in a particular continuous portion" which Ando fails to teach. However, Parulski teaches that such information storing is well known in the art (Parulski, column 4, lines 19-48). The motivation for modifying the Ando's reference image representation in view of the arranging of recorded data in a continuous portion is to provide with an immediate access to reference images in a rapid succession (Parulski, column 4, lines 43-48).

Claim 20 adds into claim 19 "wherein when the information indicating a position of an image as a base of the representative image and the representative image are recorded on the storage medium, they are recorded by representative image in a particular portion" (Ando, column 7, lines 28-51).

Clam 21 adds into claim 20 "the particular portion is a continuous area on the storage medium" which Ando fails to teach. However, Parulski teaches that such

information storing is well known in the art (Parulski, column 4, lines 19-48). The

motivation for modifying the Ando's reference image representation in view of the

arranging of recorded data in a continuous portion is to provide with an immediate.

access to reference images in a rapid succession (Parulski, column 4, lines 43-48).

Claim 22 adds into claim 20 "wherein only significant information of the said

information indicating a position of an image as a base of the representative image and

the representative image is recorded in a portion for easy storage and access" (Ando,

column 7, lines 28-51; column 8, lines 38-53).

Claims 32-35 and 45-48 claim a method based on the system of claims 6-9, 19-

22; therefore, they are rejected under the same reason.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272

7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
August 14, 2005

**PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300**